

licable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back with the recommendation that it do pass.

BLEDSON, Chairman.

Senate Chamber.

Austin, Texas, January 17, 1923.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to validate, ratify and confirm unto Michael B. Menard, his heirs and assigns, the title to the Michael B. Menard one league survey of land located in San Jacinto County, Texas, as described in the field notes thereof made by Arthur Henrie, Surveyor, on the second day of June, 1835, and now on file in the General Land Office of the State of Texas, and as delineated on the official land map of the General Land Office of the State for lands located in said San Jacinto County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the unanimous recommendation that it do pass.

THOMAS, Chairman.

EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 18, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Floyd.
Baugh.	Holbrook.
Bledsoe.	Lewis.
Bowers.	McMillin.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Rogers.
Fairchild.	Strong.

Stuart.	Wirtz.
Thomas.	Witt.
Turner.	Wood.
Watts.	Woods.

Absent—Excused.

Burkett.	Murphy.
Dudley.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

See Appendix for petitions and committee reports.

Excused.

Senator Murphy for the balance of the week, on account of important business, on motion of Senator Lewis.

Bills and Resolutions.

By Senators Ridgeway and Parr:

S. B. No. 132, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911 as amended by Chapter 131, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of forty thousand or over, or having a taxable valuation of fifteen million dollars, or over, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Thomas:

S. B. No. 133, A bill to be entitled "An Act to amend Article 927, Chapter 6, Title 22, of the Revised Civil Statutes of the State of Texas, 1911, by substituting therefor language making it possible for cities and towns to assess and collect a poll tax from all its inhabitants, at the city's option, (idiots and lunatics excepted), and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Parr and Bledsoe:

S. B. No. 134, A bill to be entitled "An Act to amend Chapter 60 of the General Laws of the State of Texas

passed by the Thirty-fifth Legislature as originally enacted, as amended by Chapter 12, General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by the General Laws of the Third Called Session of the Thirty-sixth Legislature by adding thereto fourteen (14) additional sections designated as 15f, 15g, 15h, 15i, 15j, 15k, 15l, 15m, 15n, 15o, 15p, 15q, 15r, and 15s. This amendment provides in substance that when cattle or sheep are found to be infected with cattle or sheep scabies, or are exposed or have been exposed thereto, or are upon premises where such scabies are known to have been within a certain period of time, the owners and care-takers thereof shall dip said cattle or sheep in a dip solution provided therefor at certain stated intervals after having first been notified by the Live Stock Sanitary Commission or its chairman to so dip the same. Providing the contents of the notice to be given, providing for hearings to be had upon contest of such dipping order, providing for court review of such hearing; providing for inspection to be had of cattle or sheep and premises by the Live Stock Sanitary Commission or its representatives under certain conditions. Providing for reasonable time after contest of dipping order to be given for the owners or care-takers to comply with said dipping order. Providing that owners and care-takers of such animals shall gather same for inspection and a failure or refusal so to do shall be prima facie evidence that such animals or the premises where same are kept are infected with scabies; providing for disinfection of shearing plants, machinery and implements and the wearing apparel of laborers engaged in shearing sheep infected with scabies or located upon premises under quarantine for sheep scabies and providing manner of such disinfection and fixing penalties for violation thereof; providing for disinfection of premises under quarantine for sheep scabies infection and how the same shall be disinfected and the disinfectant to be used therefor and providing penalties for failure to so disinfect said premises; providing where the owners and care-takers of cattle or sheep required to be dipped for infection or exposure, fail or refuse to dip cattle or sheep when ordered so to do; the commissioners court of the county shall cause said animals to

be dipped under the direction and supervision of an authorized inspector or of the Live Stock Sanitary Commission and providing for the payment of expenses out of the general fund of the county and fixing a lien upon the cattle or sheep so dipped in behalf of the county and providing for foreclosure of such lien. Making it unlawful for any person, company or corporation to transport over any public road or railroad or on the lands and premises of another cattle or sheep infected with scabies, prohibiting the importation into this State of sheep except under certain requirements and providing how sheep imported shall be billed and providing penalties for importation of sheep in violation thereof; providing that this Act is cumulative of all existing statutes in reference to the quarantine of cattle and sheep or premises for the eradication of cattle and sheep scabies; providing that this Act shall be liberally construed and if any section be declared invalid the remaining parts of the law shall not be affected thereby; repealing Title 136 of the Revised Civil Statutes of 1911 and all laws or parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Wood:

S. B. No. 135, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1922; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators McMillin, Baugh and Darwin:

S. B. No. 136, A bill to be entitled "An Act amending Article 2939 of Chapter 4, of Title 49, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 6 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, as amended by the General Laws of the Thirty-seventh Legislature, Regular Session, Chapter 113, and approved by the Governor on the 12th day of March, A. D. 1921,

regulating elections, providing certain qualifications for voters and providing for absentee voting in order that voters may vote who are absent from the State, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Pollard:

S. B. No. 137, A bill to be entitled "An Act to fix and establish a legal rate for the publication of all proclamations, advertising, or notice of all kinds, except tabulated work, required by law to be published in newspapers in this State for the State, counties, municipalities, districts or other subdivisions of the State, counties or municipalities, or in any legal proceedings, providing for the filing by newspapers with the Board of Control at Austin, Texas, of a sworn statement of their regular rate for advertising to be open to public inspection, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs

By Senator Davis:

S. B. No. 138, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants, the compensation of District Attorneys and providing for the appointment of Assistant District Attorneys, investigators, stenographers, deputies and other employees and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exceptions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 139, A bill to be entitled "An Act to control the possession, sale, and use of pistols and revolvers, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Rice:

S. B. No. 140, A bill to be entitled "An Act to make an emergency ap-

propriation to put a new roof on, repair, and paint the Administration Building, and to put a new roof on, repair and paint the Household Arts Building of the College of Industrial Arts and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Cousins and Holbrook:

S. B. No. 141, A bill to be entitled "An Act regulating the practice of medicine; and amending certain Articles and adding new Articles to Title Ninety (90), Chapter 1, of the Civil Statutes of Texas; amending certain Articles and adding new Articles to Title 12, Chapter 6 of the Penal Code of the State of Texas, as follow: by amending Article 5737 of the Civil Statutes, prescribing certain duties of district clerks relating to license to practice medicine, etc."

Read first time and referred to Committee on Public Health.

Executive Message.

The following message from the Governor was received and read to the Senate:

Governor's Office,

Austin, Texas, Jan. 17, 1923

To the Members of the Thirty-eighth Legislature:

Our forefathers wrote into the Declaration of Texas Independence that they would not live under a government that did not make ample provision for the education of its boys and girls. They declared that "the cultivated mind was the guardian genius of democracy, and that knowledge was the only security that freemen desire." Sam Houston said, "The diffusion of knowledge among the people is essential for the preservation of a free government." "The wealth of this country shall educate the children of this country," proclaimed even the fathers of the Texas Republic. In the dream of our early civilization, far-visioned patriots not only made generous provision for the support of the public schools, but projected the foundation for a "university of the first class."

Education a Function of State Government.

It is clearly seen that the early pioneer of our statehood recognized public education as a vital function

of the State government. With the development of modern democracy, consciousness of the obligation on the part of the State to maintain and develop education, has been steadily growing. Educational thinkers and philosophic statesmen have long since agreed that education is not only a function of the government, but its most important constitutional obligation. No government is safe whose people are uneducated. Education is an investment that builds up the State; ignorance is a tax that destroys it. Ignorance is the prolific mother of crime. Criminals come mostly from the ranks of the uneducated.

Every child in Texas, from the poorest to the richest, is entitled to a fair education. Not only is the child entitled to it, but the State must see that the child has it. The cost of this education is a proper and legitimate charge against the public treasury. It will cost the State more to let the child alone, than it will cost to educate it. This responsibility cannot be left solely to local communities. Some localities are poor in purse and some are poor in opportunities; to each of these, as well as to all others, the strong and far-reaching arm of the State should lend a helping hand. With the conviction that the State is primarily responsible for the education of the youth of the land, I recommend and urge that the Legislature purchase for the children of Texas, at the earliest date possible, the best educational system that can be found on the open, educational markets.

An Adequate School System.

As to what is an adequate school system, many suggestions can be easily made and theories advanced. Certainly, at this time Texas has no such system. There are many school houses scattered throughout all our country precincts, but it cannot be claimed that we have any system of education for our rural districts. We are graded in school efficiency, thirty-fourth from the top among the States of the union. This being true, whatever may be our merit, it is plain that we have many weak points. The first thing to do, it seems to me would be to determine what are our elements of strength and what are our elements of weakness. To ascertain this it will be necessary to have a thorough, scientific, impartial survey made of our entire educa-

tional life. In advance of this information a discussion of defects must necessarily be of a general nature. Some of our defects, however, are fundamental. That our system of financial support should be altered and strengthened, is clear. That we should have, to represent the State as a big unit in the administration of our educational system, a strong State Board of Education, comprised of men and women representing our best educational thought and highest business ability there can be no question. With the information furnished to this board by the survey committee, the entire educational life of Texas should be studied to the one high end that the administration of education in our State may be simplified, unified, harmonized, and invigorated from top to bottom. This State Board of Education ought to be able to take up the slack, stop the leaks, and eliminate the waste and duplication in our entire educational system. They should be able to put on the market in this State an adequate educational system. By an adequate school system is meant a high grade school teacher in a comfortable, well-equipped school building, whether that school building be at the forks of the road or on University Hill, with its doors, wherever these institutions stand, swinging wide to the boys and girls of Texas, for at least nine months in the year.

The Rural Schools.

In working out an adequate school system, the rural schools of the State should not be overlooked. Under the present system only a small per cent of rural children ever enter a high school. Our country schools are the colleges for the masses. We must build up our common schools; this is urgent and imperative. Our institutions of higher learning should be adequately equipped for the benefit of the fortunate few, but our rural schools should be generously supported for the democratic many. The country child should have as good school as the city youth. It has been wisely said: "If the rural schools fail, rural civilization fails; if rural civilization fails, American civilization fails."

Texas Should Purchase the Best School System There is on the Market.

Texas should buy the best school system there is on the market. We

should have the best. The best is not too good. It is to our everlasting shame that the average boy and girl in Texas does not have an equal educational opportunity with the boys and girls of other States. If this statement is true, and no one questions it, then to every man's good right hand his sword should leap, to fight for these equal rights. In this conflict for equal rights for the children of Texas, I am ready to lead or follow the vanguard of battle. No State in the union is richer in actual or potential wealth. Our property valuation aggregates ten billion dollars. First in territory, first in stock, first in agriculture, first in oil, first in cotton, and thirty-fourth in education. Wealth untold is here at our command. If as citizens of a State so full and so furnished, following pursuits so pleasant and so profitable, circumstanced with incentives so inspiring and so invigorating, we falter and fail in providing an adequate educational system for the boys and girls of the State, then we prove ourselves the unworthy descendants of illustrious sires. Let us balance our bounty with our boys, and lay our gold by the side of our girls, and challenge the world to produce a higher, nobler, or better educated citizenship than is found where falls the light of the Lone Star.

Find New Sources of Revenue.

I am not in favor, however, of buying any kind of a school system for Texas, in fact, I am not in favor of buying anything, at any time, from anybody, unless the money can be had with which to pay for it. If we are to have an adequate educational system in Texas, provision must be made for its support. In this connection, candor prompts me to say that I am opposed at this time under present conditions, to raising the tax rate on the homes and the lands of this State. Let us tap new sources of revenue. Wealth escaping taxation can be seen on every hand. For illustration only, I mention a few familiar commodities. Between these two extremes of big enterprises and small institutions, we have plethoric coffers of boundless wealth, for tax purposes, untapped and unused. Let us first illustrate with our oil production. We are now, and have been for some years, producing approximately ten million barrels of oil a month in Texas. This oil is worth, except when the Legislature is in session, about \$1.50 a barrel. That will

aggregate in a year \$180,000,000 worth of oil. As a matter of equity, that oil belongs to Texas and she ought never to have relinquished her legal rights to it. These wells are rapidly draining Texas dry. Private interests will soon get strippings and all. While the oil production of the State is making paupers and millionaires, we should build some good roads and school houses with a part of this oil. Ought not the State at least as a minimum, get 5 per cent of this stream of gold flowing out of Texas? This within itself will produce as revenue for the State, nine million dollars a year. Now for one or two small illustrations: The people of Texas are spending annually for amusement, \$30,000,000; for chewing gum, \$2,000,000. This money goes mostly into the fat purses of institutions out of the State. They do business in the State, protected by the State laws, and therefore ought to help, in a substantial way, support the State. "Let us get the money where it is, and spend it on the children where they are."

Texas Must Pay for the Adequate School System.

If Texas is honestly in the market for this adequate educational system, and this system is perfected and put on the market, then Texas money must pay the bill. Texas cannot have an adequate educational system without paying for it. It will cost money. Real money. The coin of the realm. It has been conservatively estimated by scholarly statisticians and educational engineers, that the State can purchase an adequate educational system by investing annually fifty dollars in each of her scholastic students. California spends \$60 per elementary child, \$90 per high school child and \$100 per junior college pupil. We are able to do what California does. Her resources are not as great as ours.

Suppose, however, we see if we can buy a good school system for fifty dollars a child. Now if we make that investment, I believe the State should pay half of that and the local units the other \$25. Suppose we take a look into the State Treasury and see what the State is doing. Now for the year ending August 31, 1922, there came into the State Treasury from all sources \$28,453,149. Out of this money the State paid for higher education, that is, for institutions not classed as a part of the common

school system, \$6,104,185. During this same year the State paid out for the operating expenses of our public free school system, \$18,643,529. If we had 1,300,000 students, the State spent last year per child to educate it, the sum of approximately fifteen dollars. This was approximately \$10 short per child on the part of the State from the amount necessary to buy for that child an adequate school system. In justice to the State, however, it is proper to say that of the \$28,453,149 collected by the State from the people, that \$24,747,714 was spent by the State for education. This left in the State treasury for all other purposes, \$3,705,435. From this amount \$2,151,305 was spent in the maintenance of our elementary institutions, and the Confederate Homes. To this sum we add \$1,472,970 for the operating expenses of the courts of the State, which leaves a balance in the public treasury of \$81,160 with which to meet the expenses of the entire Executive and Administrative Departments. This amount was insufficient and the result is reflected in the present deficiencies of revenue in our State Treasury. It can be clearly seen from these figures, that nearly all the money, comparatively speaking, paid into the public treasury goes for education and for support of the eleemosynary institutions of the State. The question might here be raised as to whether or not we, under our present half-baked system of education, are now getting a dollar's worth of education for every dollar's worth of money spent? We should perfect our educational system.

Legislation along the following lines is recommended:

First. The State must recognize education as a vital function of the government.

Second. Let the State make a thorough, scientific, impartial survey of our entire educational life, and find out just what we have in an educational way.

Third. Make the State the big unit of the educational system with a strong, active, aggressive State Board of Education as the administrative head.

Fourth. Invest not less than fifty dollars in every child in the State within scholastic age, the State providing half of this amount and the local unit the other half.

Fifth. Provide nine months of

school each year for every child in Texas.

Sixth. Tap in Texas new resources of revenue in order to get money with which to pay our educational bill.

Seventh. Enact a law making a safer, saner, and more economic method of buying, distributing, and using free text-books. When a change is made in text-books let the new books be gradually introduced so as not to junk the old books.

Eighth. See to it that our scholastic census is accurately and honestly taken.

Ninth. Make scholastic apportionment on the basis of actual attendance at school.

Tenth. Take up the slack, stop the leaks, and eliminate the waste and duplication in our educational system.

Eleventh. Provide, as far as possible, a definite income for the maintenance of our institutions of higher learning so as to take these schools out of a political wrangle every two years.

Twelfth. Teach the boys and girls of the State some of the practical things of life, and impress on their minds the thought that the man whose brow glistens with the beads of honest sweat is king of men "for a' that and for a' that."

Respectfully submitted,
PAT M. NEFF,
Governor.

S. B. No. 78—Re-committed.

On motion of Senator Pollard, S. B. No. 78 was recommitted to the Committee on Judicial Districts.

Senator Clark's Name Withdrawn From S. B. No. 15.

Senator Clark asked unanimous consent of the Senate to have his name stricken from the list of Senators signing S. B. No. 15, and Senator Bowers objected.

Senator Clark moved to have his name stricken from the bill.

Senator Bowers moved to table the motion, and the motion to table was lost.

Question recurring on the motion to strike Senator Clark's name from S. B. No. 15, the motion carried.

Simple Resolution No. 37.

Senator Davis moved to reconsider the vote by which the Senate on yesterday tabled Simple Resolution No. 37, providing for refurnishing the room known as the office of the Secretary of the Senate, and the motion to reconsider prevailed.

By unanimous consent, Senator Clark added a provision to the resolution providing that the appointment of the committee be by the Lieutenant Governor.

Senator Witt offered the following amendment to the resolution:

Amend the resolution by adding such expense not to exceed the sum of two hundred and fifty dollars (\$250.00).

Senator Holbrook moved to refer the resolution and the amendment to the Committee on Contingent Expense.

Yeas and nays were demanded and the motion to refer prevailed by the following vote:

Yeas 15.

Bailey.	Rice.
Baugh.	Ridgeway.
Cousins.	Rogers.
Fairchild.	Thomas.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Nays 13.

Bledsoe.	Pollard.
Bowers.	Strong.
Clark.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Parr.	

Absent—Excused.

Burkett.	Murphy.
Dudley.	

Senate Concurrent Resolution No. 12.

By Senator Clark:

Whereas, Extra sessions of the Legislature were not contemplated by the Constitution except for new and emergency matters, which arise after the adjournment of the Regular Session; and

Whereas, Such extra sessions are both expensive to the State and to the members, consuming both time and money; and

Whereas, It is important that the different institutions and departments

of the State government of the State of Texas as well as the members of this Legislature that some policy should be determined early in this session of the Legislature as to whether or not the appropriation bills would be taken up at the Regular Session and passed, or whether or not they should be entirely deferred for the work of an extra session called for that purpose. Therefore be it

Resolved, By the Senate and House of Representatives of the State of Texas, that we do request and direct the Appropriation Committee of the House of Representatives, and the Finance Committee of the Senate, to hold a joint meeting and look into the possibility and feasibility of passing the appropriation bill at the Regular Session, and that they report their conclusions back to their respective bodies, in order that the policy of the Legislature may be governed in accordance therewith, and made to conform thereto.

The resolution was read.

Senator Wood moved to refer the resolution to the Committee on Finance.

Yeas and nays were demanded and the motion to refer prevailed by the following vote:

Yeas 18.

Bailey.	Pollard.
Baugh.	Rogers.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Parr.	Woods.

Nays 9.

Bledsoe.	McMillin.
Bowers.	Rice.
Clark.	Strong.
Fairchild.	Stuart.
Lewis.	

Absent.

Ridgeway.

Absent—Excused.

Burkett.	Murphy.
Dudley.	

Simple Resolution No. 39.

By Senator Darwin:

Whereas, The following employes rendered one day's service for which they were not paid; therefore, be it

Resolved, That the following be paid for one day's service in amounts as they now receive:

Margaret Hill, Vance Stockton, Mary Bell Straus.

(Seven Porters): Monroe Williams, John Roberts, General Jackson, Jr., Ben Thompson, Tom Burton, Buck Green, Sam Grant.

DARWIN.

DOYLE.

BOWERS.

The resolution was read and adopted.

Simple Resolution No. 40.

Whereas, Ex-Senator Capt. Henry D. McDonald, of Paris, Texas, is in the Senate Chamber, having once been a distinguished member of this body, and now a distinguished citizen of Texas, therefore, we move that he be granted the privilege of the Senate floor and address the Senate.

Darwin, Parr, Fairchild, Pollard, Bledsoe, McMillin.

The resolution was read and adopted.

The Chair appointed Senators Darwin, Parr and Fairchild as a committee to escort Mr. McDonald to the President's stand, where, after being presented by Lieutenant Governor Davidson, he briefly addressed the Senate.

Communication.

A telegram signed by the president and secretary of Dallas Housewives Chamber of Commerce, endorsing resolution of Senator Woods urging adherence to Constitution of United States, was sent up and read by unanimous consent, on motion of Senator Woods.

Explanation of Vote.

The reason that I voted against the resolution endorsing Governor Parker of Louisiana in law enforcement was for the purpose of harmony and to avoid even the semblance of a factional feeling, also to co-operate with the House in its desire for harmony. I accede to no man a higher regard for the laws of our State, and at all times am ready to hold up the hands of our Governor and the officers of our State in their enforcement of its laws. But I do not be-

lieve in the State of Texas meddling in the affairs of another State, as she has enough on her hands in adjusting her own State affairs.

BOWERS.

Nineteenth District.

S. B. No. 52 on Second Reading.

The Chair laid before the Senate as the regular order, on second reading,

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charter obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters I to VI, inclusive, Title XIV, of Vernon's Sayles' Revised Statutes of Texas; declaring that from and after the passage of this Act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any private banking institutions or private banking business within this State, preserving the rights of those who at the time this Act becomes effective, and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their name or part of their name on any sign, advertising or letter head, or envelope, the word bank, banker, banking, banking company, trust, trust company, bank and trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association or persons, or partnerships, or the members of one or more of the members of any institution operating under a common law declaration of trust in the management,

conduct or operation of same, providing, however, that the provisions of this Act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this Act becomes effective and have been for five years next preceding said date actively engaged in the banking business within this State: making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof: requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution and the filing for record with the County Clerk of the county in which the principal business of said institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms "financial responsibility;" making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this Act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency."

The bill was read second time.

On motion of Senator Bailey, the bill was laid on the table, subject to call.

Additions to Standing Committees.

Mining, Irrigation and Drainage: Senator Bowers.

Stock and Stock Raising: Senators Bledsoe and Clark.

Senate Concurrent Resolution No. 7.

The Chair laid before the Senate for consideration at this time, S. C. R. No. 7, in reference to Federal aid or fifty-fifty appropriations, which was read on January 12, and referred to the Committee on Federal Affairs.

Question: Shall the resolution be adopted?

Governor's Recess Appointments.

The following recess appointments were received from the Governor, laid before the Senate by the Chair and read:

Governor's Office,

Austin, Texas, January 16, 1923.

To the Senate of the Thirty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of State Board of Health: Dr. R. H. Looney of Waxahachie, appointed August 25, 1922; Dr. W. H. Holland of Santa Anna, appointed August 25, 1922.

To be members of Industrial Accident Board: J. M. Pittillo of Waco, appointed September 1, 1921.

To be Commissioner of Warehouse and Markets: Charles Baughman of Brownwood, appointed September 1, 1921.

To be members of Board of Optometry: W. B. Georgia of Waco, appointed September 3, 1921; Frederick Baker of Dallas, appointed September 3, 1921; G. H. Aronsfeld of Wichita Falls, appointed September 3, 1921; Ed Jenison of San Antonio, appointed September 3, 1921; Fred Woolsey of Dallas, Texas, appointed September 3, 1921.

To be Penitentiary Supervisory Board: Dr. J. T. Harrington of Waco, appointed September 5, 1921. Mrs. J. E. King of San Antonio, appointed September 5, 1921; Homer D. Wade of Stamford, appointed November 19, 1921.

To be State Text Book Commission: Bonner Frizzell of Palestine, appointed September 13, 1921; C. A. Fleming of Freeport, appointed September 13, 1921; E. R. Bentley of McAllen, appointed September 13, 1921; Paula Henry of Marshall, appointed September 13, 1921; L. E. Dudley of Abilene, appointed September 13, 1921; Lizzie Nixon of Austin,

appointed September 31, 1921; Wes Weddington of Bryan, appointed September 29, 1921.

To be Assistant Attorney General, Court of Criminal Appeals: R. G. Storey of Tyler, appointed October 3, 1921.

To be member of State Bureau of Child and Animal Protection: T. J. Carr of Dallas, appointed October 11, 1921; J. L. Perny of Ft. Worth, appointed October 11, 1921; C. T. Prewett of Fort Worth, appointed October 11, 1921; W. H. Fuqua of Amarillo, appointed October 11, 1921; Mrs. O. H. Butler of San Antonio, appointed October 11, 1921; H. C. Burke of Fort Worth, appointed October 11, 1921; Mrs. Drew Pruitt of Breckenridge, appointed October 11, 1921; C. E. King of Galveston, appointed October 11, 1921; Mrs. H. E. Ferree of Ft. Worth, appointed October 11, 1921.

To be members of Board of Regents, College of Industrial Arts: Hugh N. Fitzgerald of Wichita Falls, appointed October 12, 1921.

To be Public Weighers: J. V. Kerner of Texas City, appointed October 17, 1921; Arthur Green of Cleburne, appointed December 5, 1921; W. L. Goodwin of Fort Worth, appointed December 31, 1921; C. E. Manley of Bangs, appointed May 16, 1922; Herman Gee of San Antonio, appointed June 25, 1922; S. J. McKinney of Dallas, appointed June 23, 1922.

To be members of Board of Public Accountancy: Thos. E. Allday of Wichita Falls, appointed October 22, 1921; C. S. Jones of El Paso, appointed October 22, 1921; A. C. Uplager of Waco, appointed October 22, 1921; Lloyd B. Smith of Dallas, appointed October 22, 1921; T. J. Tapo of Houston, appointed November 4, 1921.

To be members of Board of Managers, Grubbs Vocational College: Mrs. R. D. Covington of Arlington, appointed October 28, 1921; Rev. Patrick Henry of Arlington, appointed October 28, 1921; Nat L. Davis of Arlington, appointed October 28, 1921; James Ditto of Arlington, appointed October 28, 1921; G. W. Turner of Fort Worth, appointed November 28, 1921; William Knapp of Arlington, appointed March 14, 1922; John R. Griffin of Arlington, appointed March 14, 1922.

To be member Board of Control:

Dr. H. H. Harrington of Dallas, appointed November 1, 1921.

To be Chief Justice of Court of Civil Appeals Fifth Supreme Judicial District, to fill unexpired term of Justice Anson Rainey, deceased: George Sergeant of Dallas, appointed August 9, 1921.

To be member of Board of Regents, State University: Sam P. Cochran of Dallas, appointed November 1, 1921.

To be Branch Pilots, Sabine Pass, River and tributaries: J. E. Gonzales of Port Arthur, appointed November 16, 1921; Jos. G. Pine of Port Arthur, appointed November 16, 1921; Don Allen of Port Arthur, appointed November 22, 1921; D. J. Wood of Port Arthur, appointed November 22, 1921; F. C. Plummer of Port Arthur, appointed November 22, 1921; T. Carlson of Port Arthur, appointed November 22, 1921; W. P. Allen of Port Arthur, appointed November 22, 1921; F. B. Plummer of Port Arthur, appointed November 22, 1921; Edgar Woodhouse of Port Arthur, appointed November 22, 1921; Jerry B. Johnson of Port Arthur, appointed November 22, 1921; John Dillon of Port Arthur, appointed November 22, 1921; Andrew McFarland of Port Arthur, appointed November 22, 1921; John Kaper of Port Arthur, appointed November 22, 1921; S. W. Livingston of Port Arthur, appointed November 22, 1921.

To be members Investigating Committee, Institutions of Higher Learning: Dr. O. H. Cooper of Abilene, appointed November 18, 1921; Mrs. Percy V. Pennybacker of Austin, appointed November 18, 1921; Dr. H. T. Musselman of Dallas, appointed November 18, 1921.

To be District Judge, Sixty-second Judicial District: Newman Phillips of Cooper, appointed November 18, 1921.

To be Branch Pilots, Port of Galveston: C. R. Magee of Galveston, appointed November 19, 1921; James Calder of Galveston, appointed November 19, 1921; A. M. Carlson of Galveston, appointed November 19, 1921; W. A. Leeck of Galveston, appointed November 19, 1921.

To be member Board of Water Engineers: A. H. Dunlap of Barstow, appointed November 19, 1921.

To be Branch Pilot, Mouth of Brazos River and Bar: E. B. Smith of Freeport, appointed December 6, 1921.

To be member Board of Prison Commissioners: Walker Sayle of Breckenridge, appointed December 15, 1921.

To be members of Pink Boll Worm Commission: Dr. W. D. Hunter of Austin, appointed December 15, 1921; R. E. McDonald of Austin, appointed December 15, 1921; Lea Beaty of Lockhart, appointed December 15, 1921; Frank McKnight of Arlington, appointed December 15, 1921; W. D. Farris of Ennis, appointed December 15, 1921; C. W. Fisher of Kountze, appointed December 15, 1921; J. M. Malone of Celina, appointed December 15, 1921.

To be Attorney General of Texas, filling unexpired term of C. M. Cureton, W. A. Keeling of Austin, appointed December 1, 1921.

To be Chief Justice of Supreme Court of Texas to fill unexpired term of Judge Nelson Phillips, resigned, C. M. Cureton of Austin, appointed December 1, 1921.

To be Associate Justice Court of Civil Appeals, Fifth Supreme Judicial District, to fill unexpired term of J. M. Talbot, deceased, R. M. Vaughn of Hillsboro, appointed September 3, 1921.

To be Pilot Commissioners for Port Aransas: Geo. Clark of Corpus Christi, appointed December 27, 1921; Andreu Anderson of Corpus Christi, appointed December 27, 1921; N. B. Hamilton of Port Aransas, appointed December 27, 1921; John Sorenson of Rockport, appointed December 27, 1921; L. N. Scrivner of Aransas Pass, appointed December 27, 1921.

To be members of State Board of Veterinary Surgeons: Dr. F. E. Barnes of Waxahachie, appointed December 29, 1921; M. A. Peck of Fort Worth, appointed December 29, 1921; P. P. Starr of Gainesville, appointed December 29, 1921; A. C. Burnes of Cleburne, appointed December 29, 1921; W. G. Brock of Dallas, appointed December 29, 1921; H. V. Goode of Clarksville, appointed December 29, 1921; J. A. Harris of Bonham, appointed January 4, 1922.

To be members of State Mining Board: W. K. Gordon of Thurber, appointed December 29, 1921; N. M. Bullcock of Rockdale, appointed December 29, 1921; E. B. Ritchie of Strawn, appointed December 29, 1921; Pete Kramer of Mingus, appointed December 29, 1921; Ed Tidwell of Mingus, appointed December 29, 1921; Thomas

Burns of Bridgeport, appointed December 29, 1921.

To be Commissioner of Deeds in New York, Geo. H. Corey of New York, appointed January 10, 1922.

To be District Attorney, First Judicial District, F. P. Adams of Hemp-hill, appointed January 12, 1922.

To be District Attorney, Twenty-eighth Judicial District, Milton H. West of Brownsville, appointed January 17, 1922.

To be Tax Commissioner, John G. Willacy of San Antonio, appointed January 17, 1922.

To be Commissioner of Deeds in London, England, M. D. Redlick of London, appointed January 17, 1922.

To be State Health Officer, Dr. J. H. Florence of Houston, appointed January 20, 1922.

To be District Attorney, Ninetieth Judicial District, S. J. Osborne of Breckenridge, appointed January 20, 1922.

To be State Fire Insurance Commissioner, G. N. Holton of Austin, appointed February 1, 1922.

To be District Judge Thirtieth Judicial District, H. R. Wilson of Wichita Falls, February 11, 1922.

To be Commissioner of Deeds in Baltimore, Maryland, Henry Hassis of Baltimore, appointed February 14, 1922.

To be District Attorney, Thirtieth Judicial District, W. S. Schenck of Wichita Falls, appointed March 1, 1922.

To be Public Weighers for Harris County: J. D. Woolford of Houston, appointed March 3, 1922; Albert Coles of Houston, appointed March 3, 1922; T. E. Mulvihill of Houston, appointed March 3, 1922; C. S. Kinney of Houston, appointed March 3, 1922; C. T. Timmins of Houston, appointed March 3, 1922; Ed Morgan of Houston, appointed March 3, 1922.

To be State Mining Inspector, Bruce Gentry of Rockdale, appointed March 22, 1922.

To be Commissioner of Deeds in Boston, Mass., Frank W. Herrick of Boston, appointed March 24, 1922.

To be Commissioner of Deeds in New York City, Ella F. Braman of New York, appointed March 28, 1922.

To be Commissioner of Deeds in Philadelphia, Penn., Thos. J. Hunt of Philadelphia, appointed April 1, 1922.

To be Trust Fund Commissioners for Clayton Vocational Institute: W. H.

Wentland of Manor, appointed April 15, 1922, Dr. A. F. Cook of Manor, appointed April 15, 1922; Wm. Leuedke of Manor, appointed April 15, 1922.

To be District Attorney, Twenty-sixth Judicial District, Daniel J. Moody of Georgetown, appointed April 22, 1922.

To be San Jacinto Park Commissioners: Mrs. Chas. H. Milby of Harrisburg, appointed April 24, 1922; Camille G. Pillot of Houston, appointed April 24, 1922; Clarence R. Wharton of Houston, appointed April 24, 1922.

To be Gonzales State Park Commissioners: W. H. Kokernot of Gonzales, appointed April 24, 1922; C. E. Deliworth of Gonzales, appointed April 24, 1922; J. B. Kennard of Gonzales, appointed April 24, 1922.

To be Branch Pilots, Port Aransas: Roy Court of Aransas Pass, appointed May 5, 1922; Simon C. Matthews of Aransas Pass, appointed October 19, 1922.

To be members of Board of Regents, Normal Schools: M. C. Parrish of Austin, appointed June 17, 1922; to fill unexpired term of A. C. Goeth.

To be members of State Board of Pharmacy: J. B. Ray of Abilene, appointed July 5, 1922; W. H. Whisenant of San Antonio, appointed October 11, 1921.

To be District Attorney, Twenty-third Judicial District, R. A. Bassett of Richmond, appointed August 20, 1922.

To be Commissioner of Deeds in New York: John J. Dyer, New York, appointed September 18, 1922.

To be appointed District Attorney, Twenty-fourth Judicial District: R. L. Daniel, Victoria, appointed October 25, 1922.

To be District Attorney, Twenty-second Judicial District: Fred L. Blundell, Lockhart, appointed October 30, 1922.

To be District Attorney, Seventieth Judicial District: Birge Holt, Midland, appointed December 7, 1922.

To be District Attorney, Forty-second Judicial District: M. S. Long Abilene, appointed December 8, 1922.

To be Chief Justice, Court Civil Appeals, Seventh Supreme District: R. W. Hall, Amarillo, appointed December 9, 1922.

To be Associate Justice Court Civil Appeals, Seventh Supreme District: E. L. Klett, Lubbock, appointed December 9, 1922.

To be District Judge, Twenty-seventh Judicial District: Lewis H. Jones, Belton, December 9, 1922.

To be District Attorney, Twenty-seventh Judicial District: Few Brewster, Temple, December 9, 1922.

To be member of Court Commission of Appeals, Austin, Texas, Section A: J. N. Gallagher, Waco, appointed September 16, 1921; R. F. Spencer, San Antonio, appointed September 16, 1921; H. C. Randolph Plainview, appointed September 16, 1921; Section B: J. W. McClyendon, Austin, appointed September 16, 1921; Ben H. Powell, Huntsville, appointed September 16, 1921; R. H. Hamilton Port Lavaca, appointed September 16, 1921.

To be Branch Pilots, Houston and Galveston Bar: Geo. Allen, Houston, appointed August 4, 1921; Joseph Weikerth, Houston, appointed August 22, 1921; Andrew A. Miranda, Houston, appointed November 2, 1921; James A. Birch, Houston, appointed November 16, 1921.

To be Commissioners for Washington Park: J. S. Smith, Chapel Hill, September 13, 1921; Robert Foster, Navasota, appointed September 13, 1921; Mrs. Arthur Becer, Brenham, appointed May 16, 1922.

To be members of Advisory Board American Legion Memorial Sanatorium: J. W. McCarver, Brownwood, appointed November 10, 1921; W. H. Hargins, San Antonio, appointed November 10, 1921; Z. T. Scott, Austin, appointed November 10, 1921.

To be Commissioner of Insurance and Banking: J. L. Chapman, McKinney, appointed September 1, 1922.

To be member Board of Directors A. & M. College: Walter L. Booth, Sweetwater, appointed April 1, 1922.

To be District Judge, Twenty-fifth Judicial District: C. K. Quinn, Columbus, appointed November 19, 1921.

To be State Treasurer: C. V. Terrell, Decatur, appointed November 19, 1921.

To be District Judge, Thirty-sixth Judicial District: T. M. Cox, Beeville, appointed August 8, 1922.

To be member of Court Commission of Appeals, Austin, Texas, Section A: S. H. German, Livingston, appointed January 10, 1923.

To be Branch Pilots, Sabine Pass and River: T. H. Shepherd Port Arthur, appointed January 10, 1923;

Joe Corthell, Port Arthur, appointed January 10, 1923; Carlyle J. Plummer, Port Arthur, appointed January 10, 1923; J. E. Gonzales, Port Arthur, appointed January 10, 1923; J. G. Pine, appointed January 10, 1923.

Respectfully submitted.

(Signed) PAT M. NEFF,
Governor.

The appointments were referred to the Committee on Nominations by the Governor.

Recess.

On motion of Senator Wood, the Senate at 12:25 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate was called to order at 2:30 p. m. by Lieutenant Governor Davidson.

Senate Concurrent Resolution No. 7.

The Senate resumed consideration of S. C. R. No. 7, the question being the adoption of the resolution.

Senator Cousins offered the following amendments to the resolution:

Amend S. C. R. No. 7, by adding after paragraph 7 the following:

That if the Federal Government has money to distribute among the several States for the purpose of encouraging education, road building, or for any other legitimate purpose, that said money be placed directly in the State Treasuries and that said several States may spend the money as their different State Governments direct.

The amendment was lost.

Question recurring on the adoption of the resolution, yeas and nays were demanded, and the resolution was adopted by the following vote:

Yeas 21.

Bailey.	Fairchild.
Baugh.	Floyd.
Bledsoe.	Holbrook.
Bowers.	McMillin.
Darwin.	Parr.
Davis.	Pollard.
Doyle.	Rice.

Ridgeway.
Strong.
Stuart.
Thomas.

Witt.
Wood.
Woods.

Nays 3.

Burkett.
Rogers.

Turner.

Present—Not Voting.

Cousins.

Lewis.

Absent.

Clark.
Watts.

Wirtz.

Absent—Excused.

Dudley.

Murphy.

S. B. No. 6 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 6, A bill to be entitled "An Act to amend Article 1340 of the Penal Code of the State of Texas, 1911, by providing that the punishment for the theft of property of the value of \$50 or more shall be by confinement in the county jail not more than six months or by confinement in the penitentiary not more than ten years."

The bill was read second time, and on motion of Senator Bailey, was laid on the table subject to call.

S. B. No. 19 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 19, A bill to be entitled "An Act to amend Article 1352 of the Penal Code of the State of Texas, 1911, by providing the punishment for the offense of an attempt to commit theft from the person to be not more than six months in the county jail and not more than three years in the penitentiary."

The bill was read second time.

On motion of Senator Bailey, the bill was laid on the table subject to call.

S. B. No. 20 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 20, A bill to be entitled "An Act to amend Article 1320 of the Penal Code of the State of Texas, 1911, by providing that the punishment for attempt at burglary shall be by confinement in the county jail not more than six months or in the State penitentiary not more than seven years."

The bill was read second time.

On motion of Senator Bailey, the bill was laid on the table subject to call.

S. B. No. 31 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 31, A bill to be entitled "An Act to authorize cities having more than 25,000 population to purchase and condemn real estate for the purpose of laying out, establishing, straightening, widening, opening or extending highways, public squares or public places therein, and to provide for the cost thereof, and for the assessment of such costs against property benefitted by such improvements and against its owners, and to enforce the collection thereof, and declaring an emergency."

The bill was read second time.

On motion of Senator Davis, the bill was laid on the table subject to call.

S. B. No. 65 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 65, A bill to be entitled "An Act reviving the Bill of Discovery in accordance with the usages of courts of equity; making such remedy cumulative and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 65 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 was put on its third reading and final passage by the following vote:

Yeas 26.

Bailey.	Bowers.
Baugh.	Burkett.
Bledsoe.	Cousins.

Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Clark.	Wirtz.
Watts.	

Absent—Excused.

Dudley.	Murphy.
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The Chair then laid S. B. No. 65 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 72 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Title 8, of the Code of Criminal Procedure of the State of Texas of 1911, so as to prevent the reversal of criminal cases by the Court of Criminal Appeals upon technicalities and irregularities; and declaring an emergency."

The bill was read second time.

Senator Wood raised the point of order that the printed bill had not been on the members' desks 24 hours.

The Chair sustained the point of order.

S. B. No. 51 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 51, A bill to be entitled "An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section providing for the appointment of a Clerk of the Court of Criminal Appeals; fixing his salary and defining his powers and duties; abolishing the salary of Deputy Clerk of said court; repealing all laws in conflict herewith and declaring an emergency, and said Section 2 of said

Chapter 57 as amended is to hereafter read as follows:"

The bill was read second time.

On motion of Senator Bailey, the bill was laid on the table subject to call.

S. B. No. 64 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 64, A bill to be entitled "An Act to amend Article 7106 of the Revised Civil Statutes of Texas of 1911 which relates to recovery and defendant's replevy bond in sequestration, by providing that the value proven shall be either that of the time of the trial, as the plaintiff may elect; and to amend Article 7111 of the Revised Civil Statutes of Texas of 1911 relating to recovery on plaintiff's replevy bond in sequestration by providing that the value proven shall be either that of the time of the execution of the replevy bond or that of the time of the trial, as the defendant may elect."

The bill was read second time, and passed to engrossment.

S. B. No. 23 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 23, A bill to be entitled "An Act to amend Chapter 3 of Title 118, Registration, of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto Articles 6840a and 6840b, providing for the filing with the County Clerk as the recorder, or notices or statements of all liens and claims and releases thereof, in favor of the Government of the United States or of any department or bureau thereof, providing how such notices or statements shall be filed, recorded and indexed, how said clerks shall be compensated for said services, repealing all laws in conflict therewith and declaring an emergency."

The bill was read second time.

On motion of Senator Ridgeway, the bill was laid on the table subject to call.

S. B. No. 74 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 74, A bill to be entitled "An Act to amend Section 6 of Chapter

113 of the General Laws of the Regular Session of the Thirty-third Legislature, approved April 2, 1913, defining, regulating and controlling fraternal benefit societies, so as to provide that where a member of such a society fails to designate a beneficiary, or if at the death of the member the beneficiary designated is dead, or has no insurable interest in the life of the member, the death benefits shall not be forfeited, but shall be paid to the persons named in said section in the order therein named, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 74 on Third Reading.

On motion of Senator Strong, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 put on its third reading and final passage by the following vote:

Yeas 25.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

Present—Not Voting.

McMillin.	Rice.
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Absent.

Clark.	Wirtz.
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Absent—Excused.

Dudley.	Murphy.
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The Chair then laid S. B. No. 74 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 85 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 85, A bill to be entitled "An Act to amend Article 4113, Chapter 8, Title 64 of the Revised Civil Statutes of Texas, providing for the return of an inventory and appraisement of the estate of a minor and where such inventory and appraisement shows such estate to be of the value of \$1,000.00 or less, authorizing a guardian to control, manage, or dispose of all or any part of the same without further application or order from the probate court; and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 85 on Third Reading.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 put on its third reading and final passage by the following vote.

Yeas 28.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Clark.

Absent—Excused.

Dudley. Murphy.

The Chair then laid S. B. No. 85 before the Senate on its third reading and final passage.

The bill was read third time and passed.

On motion of Senator Bledsoe, the vote by which S. B. No. 85 was passed, was reconsidered.

Question: Shall the bill be finally passed?

Resolution Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did

sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 8, relating to the Orient Railroad.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Jan. 18, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 52, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Reagan County, conferring upon said court civil and criminal jurisdiction and increasing the civil jurisdiction of said court; conforming the jurisdiction of the District Court of said county to such change and declaring an emergency."

H. B. No. 77, A bill to be entitled "An Act to amend Article 2239, Chapter 1, Title 40 of the Revised Statutes of Texas of 1911, so as to provide that the county judge and each commissioner shall take the oath of office prescribed by the Constitution, and shall also take an oath that he will not be directly or indirectly interested in any contract with or claim against the county in which he resides, except such warrants as may issue to him as fees of office, and providing that said oath shall be in writing, and filed and recorded in the office of the county clerk, and providing that each commissioner shall execute a bond with two or more sureties to be approved by the judge of the county court in the sum of \$3,000, payable to the treasurer of his county conditioned for the faithful performance of the duties of his office, and further conditioned that said commissioner will pay over to his county all moneys, illegally paid to him out of county funds as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes, and declaring an emergency."

H. B. No. 80, A bill to be entitled "An Act to amend Article 1732, Chapter 1, Title 35, of the Revised Statutes of Texas of 1911, so as to provide that a county judge, before

entering on the duties of his office, shall execute a bond of not less than \$1,000 nor more than \$10,000, conditioned that he will pay over to the person or officer entitled to receive it all moneys that may come into his hands as county judge, and that he will pay over to his county all moneys illegally paid to him out of county funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes and take the oath of office prescribed in the Constitution, and the further oath required of the several members of the commissioners' court, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act creating the Kerrville Independent School District, in Kerr County, Texas, out of the territory known as the Kerrville Independent School District, organized under the General Laws and other adjacent property thereto in said county and including within its boundaries the municipal corporation of the City of Kerrville; providing for a Board of Trustees thereof and authorizing the Board of Trustees to levy, assess and collect special taxes, etc.; and repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act to regulate district courts in judicial districts composed of more than one county and having at least four weeks each in counties in which there is a city of one hundred and thirty-five thousand population, or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency."

H. B. No. 15, A bill to be entitled "An Act to repeal Chapter 118, of the Special and Local Laws of the Regular Session of the Thirty-third Legislature as amended by Chapter 45 of the Special and Local Laws of the Second Called Session of the Thirty-sixth Legislature, authorizing and empowering Falls county or a

political subdivision thereof to vote bonds for the purpose of constructing permanent roads; providing that nothing in this Act shall affect pending litigation under said law; authorizing Falls county, Texas, or any political subdivision, or defined district thereof to issue road bonds under the provisions of the general law; validating bond elections heretofore held in certain defined road districts within said county; and declaring an emergency."

H. B. No. 49, A bill to be entitled "An Act to amend Chapter 3, Title 118, Registration, of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto Articles 6840a, and 6840b, providing for the filing with the county clerk as the recorder, of notices or statements of all liens, and claims and releases thereof, in favor of the Government of the United States or of any department or bureau thereof, providing how such notices or statements shall be filed, recorded and indexed, how said clerks shall be compensated for said services, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act amending Section 7 of Article 30 of the Revised Civil Statutes of Texas of 1911, as amended by Section 3, 8, and 9 of the Acts of the Thirty-fifth Legislature, providing for the changing and fixing the times of holding the courts in the Seventh Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session the district court, which may now be in session, until its term expires by law, and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act to repeal Sections 14, 16 and 17 of Chapter 111, Local and Special Laws, passed at the Regular Session of the Thirty-fifth Legislature, said Act being an Act amending Cass county road law passed by the Thirty-third Legislature at its Regular Session, 1913; and authorizing Cass county, Texas, or any political subdivision or defined district thereof, to issue road bonds under the provisions of the general law; validating bond election heretofore held

in Road District No. 16, a defined road district in said county, and declaring an emergency."

S. C. R. No. 8, Relating to the petition to Congress of the United States for the relief of the Orient Railroad.

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor T. W. Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 1.
H. C. R. No. 2.
S. B. No. 69.

Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following bills:

H. B. No. 5, referred to the Committee on Judicial Districts.

H. B. No. 15, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 49, referred to the Committee on Civil Jurisprudence.

H. B. No. 62, referred to the Committee on Judicial Districts.

H. B. No. 101, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 52, referred to the Committee on Judicial Districts.

H. B. No. 77, referred to the Committee on Civil Jurisprudence.

H. B. No. 80, referred to the Committee on Civil Jurisprudence.

Adjournment.

On motion of Senator Fairchild, the Senate at 3:30 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, January 18, 1923.
Hon. T. W. Davidson, President of the Senate.
Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No. 60 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, January 18, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Concurrent Resolution No. 7 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 59, A bill to be entitled "An Act to amend Chapter 12, pages 21 and 22 of the laws passed at the First Called Session of the Thirty-seventh Legislature, 1921, by changing the time and terms of holding court in the Sixty-third Judicial District, so that Section 1 of this Act shall hereafter read as follows, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, January 18, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 129, A bill to be entitled "An Act to create the—Judicial District Court in the counties of Lime-stone and Freestone in the State of Texas, in addition to the Seventy-seventh District Court now existing in said counties and for grand juries in said counties; to provide for the terms and jurisdiction thereof in said counties; and for grand juries in said counties; for the appointment of a District Judge and a District Attorney of said District Court and providing for their duties, and for the duties of County Attorneys in said counties with respect to said Court; for the transfer of causes from the docket of the Court so created to the docket of the Seventy-seventh District

Court and from the docket of the Seventy-seventh District Court to the Court hereby created in said counties, so as to expedite the trial of causes and equalize the dockets; to provide for the clerk of said Court in said counties and for the filing of causes and the preparation of dockets, and for the prosecution of criminal causes in said Court in said counties by the District Attorney to be appointed for said District Court, and in his absence by the County Attorneys of the respective counties, and likewise for the prosecution of causes in the Seventy-seventh District Court by the District Attorneys of the District Court, and in his absence by the County Attorneys of the respective counties, making process now issued valid and binding to said new court with other provisions, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 18, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred,

S. B. No. 130, A bill to be entitled "An Act to amend Sections 3 and 4 of the General Laws of the Thirty-fourth Legislature, approved February 12th, 1915, which is entitled, 'An Act to reorganize the Thirteenth Judicial District of Texas; and to fix the time of holding the courts in said districts and to provide for organizing grand juries at certain terms in said courts; and to provide for the appointment of a judge of the Seventy-seventh Judicial District; and to continue in office the Judge of the Thirteenth Judicial District is hereby abolished and the County Attorney of said county shall perform the duties of said District Attorney, and District Attorney for said district, as District Attorney of said Seventy-seventh Judicial District, and the clerks of the District Courts in the several counties of said districts; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,' so as to read as follows, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 3, "Submitting to the people a proposed amendment to Sections 2, 5, 6, 7, 24, 26 and 28, Article 3 of the Constitution of the State of Texas governing the number of members composing the Senate and House of Representatives of Texas; fixing the time of meeting of the Legislature of the State of Texas; prescribing the qualifications of members of the Senate and House of Representatives of the State of Texas; prescribing the mileage per diem of the members of the Senate and House of Representatives, and also making provision for determination of the district for Senators and Representatives in the State Legislature."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Respectfully submitted.

WOODS, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 120, A bill to be entitled "An Act authorizing cities having more than twenty-five thousand inhabitants and owning and operating their own waterworks system to acquire by purchase, gift, devise or by the exercise of the right of eminent domain through and by condemnation proceedings, the necessary lands and property, public or private, including riparian rights lying within any such city or outside any such city or in any county, in the State for the purpose of constructing reservoirs and for the purpose of the extension, construction, improvement and enlargement of the said waterworks systems including the construction of

dams, wells, water supply reservoirs, water sheds and such other necessary appurtenances and facilities in order to furnish to any such city an adequate supply of wholesome water, defining the governing authorities, and prescribing the procedure in cases of the exercise of the right of eminent domain by condemnation, and providing for an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RIDGEWAY, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, January 18, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 122, A bill to be entitled "An Act to establish and maintain a system of public roads and bridges for Tarrant County, Texas."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and being a local bill, we recommend that it be not printed.

FLOYD, Vice-Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 126, A bill to be entitled

"An Act creating the Weimar Independent School District in Colorado County, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes, prescribing the method of changing the boundaries of said district, providing that should any section or sections of this Act be by the courts declared unconstitutional, the validity of the remainder of this Act shall not be thereby affected, providing that the maintenance school tax now being levied, assessed, and collected in Common School District No. 14, by this Act created into Weimar Independent School District, shall not be abrogated by the passage of this Act, providing that property in territory that may

be added to said independent school district by the method provided in this Act, shall be liable for its pro rata part of all local maintenances taxes being assessed, levied, and collected in said independent school district at the time said territory is added thereto, investing said district with all the powers, rights, and duties of independent school districts formed for free school purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 103, A bill to be entitled

"An Act to establish a State college in that portion of Western Texas lying west of the 98th Meridian and north of the 30th parallel, to be known as the West Texas State College, providing for the location of such college, its government, the control of its finances, defining its leading objects and prescribing generally the nature and scope of instructions to be given; conferring upon the board of directors of said college the right of eminent domain, making necessary appropriations for the purchase of lands, the location, establishment and maintenance of said college and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 21, A bill to be entitled

"An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section; providing for the appointment of a Clerk of the Court of Criminal Appeals; fixing his salary and defin-

ing his powers and duties; abolishing the salary of Deputy Clerk; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 116, A bill to be entitled "An Act to amend Article 3687 of the Revised Civil Statutes of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 17, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 76, A bill to be entitled "An Act to amend Articles 5656 and 5658 of the Revised Civil Statutes of the State of Texas of 1920, relating to the filing and indexing of Chattel Mortgages, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to amend Article 475 of the Penal Code of the State of Texas, as amended by Chapter 91, Section 1, of the Acts of the Fourth called Session of the Thirty-fifth Legislature, approved April 10, 1918, prohibiting the carrying of any pistol, dirk, dagger, slung-shot, sword cane or knuckles made of any material or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or de-

fense, prescribing a punishment therefor; making exceptions thereto in favor of certain officers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 83, A bill to be entitled "An Act to amend Chapter 1, Title 15 Revised Penal Code of the State of Texas, by adding thereto Article 101 defining the offense of Negligent Assault and Battery, fixing a penalty therefor and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chariman.

Committee Room,

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 81, A bill to be entitled "An Act to amend Articles 656 and 657 of the Code of Criminal Procedure of the State of Texas, 1911, in regard to special venires in capital cases."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 96, A bill to be entitled "An Act to amend Section 1 of Chapter 101, General Laws, passed at the Regular Session of the Thirty-third

Legislature, making it an offense for any husband to wilfully, or without justification, desert, neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any parent who shall wilfully desert, neglect or refuse to provide for the support and maintenance of his or her child or children under the age of sixteen years in destitute or necessitous circumstances; prescribing the penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 17, 1923.
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to provide that in certain cases one or more charges against the same defendant may be joined in the same indictment or information and that if two or more indictments or informations are presented in such cases, the court may order that they be consolidated."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

I am directed by Parr and Strong of the committee to file a minority report directing that it do not pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Jan. 17, 1923.
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 30, A bill to be entitled "An Act to amend Article 1207e, Title 17, of the Code of Criminal Procedure of the State of Texas, (Acts 1917) so as to provide for the creation of a juvenile board, and to create same in such counties of this State as now, or may hereafter have,

an oil field consisting of as many as fifty producing oil or gas wells, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 19, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Parr.
Dudley.	Wirtz.
Murphy.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Baugh.

See Appendix for committee reports and petitions.

Excused.

Senator Clark for today and tomorrow, on account of important business, on motion of Senator Woods.

Names Added to Bills.

Senator Darwin was added as one of the authors of S. B. No. 143, on motion of Senator Davis.